

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEMETROIS TERRELL DIXSON,

No. C 14-5069 CW

Petitioner,

ORDER DENYING  
APPLICATION TO  
PROCEED IN FORMA  
PAUPERIS

v.

SECRETARY, Department of  
Corrections and Rehabilitation,

Respondent.

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In March 2006, an Alameda County jury convicted Petitioner Demetrois Dixson of multiple felonies, including forcible sexual offenses against his girlfriend. These charges included forcible rape, unlawful sexual intercourse with a minor, battery with serious bodily injury, corporal injury to a cohabitant, forcible sodomy, and forcible oral copulation. Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state criminal conviction and asserting that he is actually innocent. In an order dated March 31, 2016, the Court dismissed the petition as untimely. On April 25, 2015, Petitioner filed a notice of appeal.

Petitioner has now filed an application to proceed in forma pauperis. Federal Rule of Appellate Procedure 24 provides that "a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that: (A) shows . . . the party's inability to

1 pay or to give security for fees and costs; (B) claims an  
2 entitlement to redress; and (C) states the issues that the party  
3 intends to present on appeal." Petitioner failed to submit an  
4 affidavit regarding his inability to pay. He simply attached a  
5 copy of a statement for his prisoner's trust account. Moreover,  
6 Petitioner failed to provide any information about the issues he  
7 intends to present on appeal or his entitlement to relief. Having  
8 considered the record in this case and the papers filed by  
9 Petitioner, the Court denies the application to proceed in forma  
10 pauperis on appeal. The petition in this case was filed on  
11 November 17, 2014, long after the statute of limitations expired.

13 IT IS SO ORDERED.

15 Dated: May 3, 2016

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17 CLAUDIA WILKEN  
18 United States District Judge